

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Victor Gonzalez-Ruiz,)

a.k.a.: Victor Gonzalez Ruiz,)

a.k.a.: Cresencio Gutierrez Perez,)

a.k.a.: Cresencio Gutierrez-Perez,)

(A201 275 209)

Defendant

Case No. 17-8421MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 17, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Victor Gonzalez-Ruiz, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 24, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).


I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein


CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Sheila A. Phillips

☒ Continued on the attached sheet.
Complainant's signatureRichard G. Prunty,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 12, 2017
Judge's signatureCity and state: Phoenix, ArizonaJohn Z. Boyle,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

- 1 Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
- 2 On September 17, 2017, Victor Gonzalez-Ruiz was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Gonzalez-Ruiz was examined by ICE Officer M. Karakey who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On October 11, 2017, Gonzalez-Ruiz was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Gonzalez-Ruiz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
- 3 Immigration history checks revealed Victor Gonzalez-Ruiz to be a citizen of Mexico and a previously deported criminal alien. Gonzalez-Ruiz was removed from the United States to Mexico through Nogales, Arizona, on or about June 24, 2016, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Gonzalez-Ruiz in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department

of Homeland Security to return to the United States after his removal. Gonzalez-Ruiz's immigration history was matched to him by electronic fingerprint comparison.

4 On October 11, 2017, Victor Gonzalez-Ruiz was advised of his constitutional rights. Gonzalez-Ruiz freely and willingly acknowledged his rights and declined to make any further statements.

5 For these reasons, this affiant submits that there is probable cause to believe that on or about September 17, 2017, Victor Gonzalez-Ruiz, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about June 24, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Richard G. Prunty,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 12th day of October, 2017.



John Z. Boyle,
United States Magistrate Judge